



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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DATE: August 21, 2019

TIME: 11:20 AM

WSR 19-17-092

Agency: Department of Social and Health Services, Economic Services Administration

Subject of possible rule making: The Division of Child Support (DCS) intends to amend sections in chapter 388-14A WAC dealing with the annual fee imposed on certain child support cases to implement section 4 of Engrossed Substitute House Bill 1916 (Chapter 275, Laws of 2019). This legislative change was based on federal requirements under Title IV-D of the Social Security Act.

DCS is amending WAC 388-14A-2200 "When does DCS charge a twenty-five dollar annual fee on a child support case?" and WAC 388-14A-2205 "How can a custodial parent be excused from payment of the annual fee?", and may amend or repeal other related rules as required.

ESHB 1916 took effect on July 28, 2019, but the changes to the annual fee will take effect on October 1, 2019. It is not possible for DCS to complete the permanent rule adoption process by October 1, 2019. Therefore, DCS will need to file a CR-103E, Rule-Making Order, to adopt an emergency amendment of those sections effective October 1, 2019. That emergency rule will implement ESHB 1916 while DCS continues the regular rulemaking process under chapter 34.05 RCW.

Statutes authorizing the agency to adopt rules on this subject: Implementation of ESHB 1916 (Chapter 275, Laws of 2019), which takes effect on July 28, 2019, is authorized under RCW 43.20A.550, RCW 74.04.055, RCW 74.08.090, RCW 74.20.040, and RCW 74.20A.310.

Reasons why rules on this subject may be needed and what they might accomplish: Section 4 of ESHB 1916 (Chapter 275, Laws of 2019) amended RCW 74.20.040, making two changes regarding the annual fee the Division of Child Support (DCS) imposes for each case in which support enforcement services are furnished where the person entitled to receive support has never received assistance under the temporary assistance for needy families, the aid for dependent families and children program, or a tribal temporary assistance for needy families program. These changes include the following: (1) the annual fee is increased from \$25 to \$35; and (2) the threshold amount that triggers the fee is increased from \$500 during a federal fiscal year to \$550 in collections.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study

☒ Other (describe) DCS engages in modified collaborative rulemaking. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS Division of Child Support (DCS) Headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at <https://www.dshs.wa.gov/esa/division-child-support>, or on the DSHS Economic Services Administration's Policy Review web site, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>. Rulemaking forms and draft rules may also be found on the DSHS Filings and Rules page at <https://www.dshs.wa.gov/sesa/rpau/filings-and-rulings>.

DSHS/DCS encourages the public to take part in developing rules. After the rules are drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule-making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

(If necessary)

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Other:

Additional comments:

Date: August 21, 2019

Signature:

Name: Katherine I. Vasquez



Title: DSHS Rules Coordinator